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STATE FOR AC/CB, NP/CBM, VC/CCB, L/ACV, IO/S
SECDEF FOR OSD/ISP
JOINT STAFF FOR DD PMA-A FOR WTC
COMMERCE FOR BIS (GOLDMAN)
NSC FOR CHUPA
WINPAC FOR FOLEY

E.O. 12958: N/A

TAGS: [PARM](#) [PREL](#) [CWC](#)

SUBJECT: CHEMICAL WEAPONS CONVENTION (CWC): WRAP-UP FOR 16
- 30 JUNE

This is CWC-74-03.

Summary

[11.](#) (U) No other delegations showed enthusiasm for committing, as of Friday, June 20, to a serious, sustained effort at a systemic fix for Article IV/V financing.

[12.](#) (U) There were no immediate results from this round of industry intersessional consultations, but it is possible that the September Executive Council could take decisions on Boundaries of Production and Requests for Clarification of Declarations.

[13.](#) (U) Facilitator Eric Wills (Netherlands) tried to get consensus on what he considered the technical issues in the draft decision on sampling and analysis. He appears to have succeeded, with the exception of the French, who insist that analysis results be hand-carried from the designated lab that performed the analysis to The Hague.

[14.](#) (U) Ambassador Javits will participate in site visits at Pine Bluff, Arkansas, and Tooele, Utah the week of 14 July and will return to Washington for consultations 18-19 July.

Topics:

-- Article IV/V Consultations
-- June Industry Intersessionals
-- Sampling and Analysis Procedures
-- Ambassador Javits Upcoming Travel

Article IV/V Consultations

[15.](#) (U) US Del led off the comments, expressing regret that the proposed facilitator's report for EC-33 language was so anodyne and arguing that the reference only to "efforts to achieve prompt issue and payment of invoices" was reductive and did not cover many other elements of the Article IV/V problem. Deloff made the point that U.S. inability as of yet to reimburse for Article IV/V in 2003 did not in any way speak to problems with the system of budgeting for and assessing Article IV/V. Del urged the need for serious discussion of a real solution to this problem, underlining that the USG was willing to discuss the three main approaches, as outlined in draft EC-33 guidance. Facilitator Geoff Cole (UK) welcomed this, but then pointed out in detail the problems with each of the three, e.g. difficulties that might arise with assessment based on previous year's activities if there were significant year-to-year fluctuations in the amount of work carried out.

[16.](#) (U) No other delegations showed enthusiasm for committing, as of Friday, June 20, to a serious, sustained effort at a systemic fix for Article IV/V. (Ruth Flint (Switzerland) indicated a preference for the system of assessing based on previous year's activity.) Overall preference was to suggest modest edits to the facilitator's text and he recalled that a statement at an EC in mid-2002 had referred to the possibility of possessor states making voluntary advance payments on Article IV/V, should they so wish. There was broad support for resurrecting this previously agreed language.

[17.](#) (U) The Spanish thought the reference to payment of invoices "as far as possible within the same year as the work carried out" in the facilitator's draft was too vague, and suggested replacing "the work" with "the inspections". Nobody had problems with that.

[18.](#) (U) A number of dels specified that they had no instructions with respect to allowing reimbursements for withdrawals from the Working Capital Fund to cover 2004 needs to be made as late as the end of 2005. This group of

countries included Germany, France, and Russia.

June Industry Intersessionals

19. (U) There were no immediate results from this round of industry intersessional consultations, but it is possible that the September Executive Council could take decisions on Boundaries of Production and Requests for Clarification of Declarations.

10. (U) Facilitators held meetings on Captive Use, Requests for Clarification of Declarations, Low Concentrations Schedule 2A/2Aasterisk, the draft Handbook on Chemicals (part of the draft Declarations Handbook), and the draft Declarations Handbook. The session on OCPF (Other Chemical Production Facility or UDOC) plant site selection was cancelled because the new U.S. paper had not been coordinated with Switzerland.

-- The two sessions on the draft Declarations Handbook and its Handbook on Chemicals raised issues too technical for delegations to respond to adequately on the spot. There might easily be consensus, however, if some of the proposals could be translated into simple language. Especially useful are the suggestions to highlight the most used chemicals in the Handbook on Chemicals, and to make forms A-1 and A-2 of the draft Declarations Handbook an annual submission from all States Parties, reconfirming their National Authority information and certifying that they have nothing else to declare (if that is the case). The facilitator (Manfred Ruck, Germany) also proposes a simple new system to assign unique identifier numbers to all Scheduled chemicals that do not have Chemical Abstract Service (CAS) numbers. He intends next to sort out mixtures declarations.

-- A decision on Requests for Clarification of Declarations should be possible now that Del has been able to respond to the Iranian legal objections. There is broad support for a political commitment to providing some kind of answer to such requests within 60 days, especially since 45 percent of such requests in 2002 involved inspectability of plant sites, and 60 percent involved compliance concerns. Iran and others are swayed by the argument that if a declaration is not complete, the timeline for submitting declarations under the Convention has not been met.

-- The British facilitator for Low Concentrations suggested that Amiton be moved to Schedule 1 because it is no longer used, but neither he nor the Scientific Advisory Board had done their homework in this respect. When Del asked if the Technical Secretariat had any information, Industry Verification Branch confirmed that declarations of transfers of Amiton are still coming in.

-- Captive Use is still being blocked by Russia because Russia does not declare any Schedule 3 production that does not leave the plant site. (The Russian delegation would sign up to the captive use language with respect to Schedule 2 only.) Germany also spoke out for the first time, reserving on the draft decision text because there is no agreement in Berlin. The German del clarified later that Germany does not/not interpret the Boundaries of Production decision to require any declarations based only on calculations. Unless a measurement has been made, Germany maintains there is nothing for inspectors to verify, since re-doing calculations does not constitute Verification.

Sampling and Analysis
Procedures 19 June 2003

11. (U) Facilitator Eric Wills (Netherlands) tried to get consensus on what he considered the technical issues in the 24 April draft decision. He appears to have succeeded, with the exception of the French insistence that analysis results be hand-carried from the designated lab that performed the analysis to The Hague (para. 11.8 (e)).

12. (U) The French del has had a bad experience with the Technical Secretariat's approach to confidentiality, and does not want to allow any additional hands/eyes on the analysis results. The Rijswijk lab (Stefan Mogl) wants to insist on hand-carrying because the results were not readable when sent by secure fax during the recent exercise. Mogl has not approached Technical Secretariat support staff (IT, Confidentiality) who might be able to offer him a better

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technical option. Del has since done so.

13. (U) Iran continues to raise political objections to para. 9.1, insisting that "geographic distribution" of chosen designated labs be mandated. Wills continues to point out

that only European labs were available in 2000. India listed numerous labs currently suspended in support of Iran. There is a factual misunderstanding here by supporters of Iran, if not by Iran itself. This might be straightened out by a forceful and clear spokesperson for the Technical Secretariat.

14. (U) In paras. 9.3 and 11.6, Iran demands the right for the ISP to observe off-site analysis, because it is part and parcel of inspection activity.

15. (U) Agreed changes:

-- OP 2, request the Technical Secretariat to "further" test and validate . . . Rationale: to reflect the successful sampling and analysis exercise.

-- Para. 6.1, the UK requested the Technical Secretariat's custody "is deemed to be" maintained by "the integrity of" the fiber-optical seals. However, the language will stay unchanged due to objections from France, Japan and Del.

-- Para. 6.3, France reserves until it studies the IATA A-106 document used to apply the special exemption granted to the Director General by IATA in 1993.

-- Para. 6.4, Germany objected that the Convention says the Director General shall be responsible for transport of a sample, so the responsibility cannot be the National Authority's. Agreed fix: "The National Authority of a designated lab shall facilitate in-country transport of the sample."

-- Para. 6.5, delete "as necessary" because it is grammatically part of the previously deleted verbiage.

-- Para. 11.9, the ROK tried to insist on a third lab if there is any inconsistency. It should be possible to explain to the South Korean delegation why this might not be necessary. The ROK del indicated they would accept "or, if the issue is not clarified, select additional ones."

Ambassador Javits' Upcoming Travel

16. (U) Ambassador Javits will participate in site visits at Pine Bluff, Arkansas, and Tooele, Utah the week of 14 July and will return to Washington for consultations 18-19 July. Ambassador Javits is willing to stay in Washington an extra day or two if additional meetings are necessary.

17. (U) Javits sends.

BAILY